



Report to the Auburn City Council

Action Item

Agenda Item No. **7**

[Signature]
City Manager's Approval

To: Mayor and City Council Members
From: Jack Warren, P.E. Director of Public Works/City Engineer
Date: February 22, 2010
Subject: Wastewater Treatment Permit

[Signature]

The Issue

This is an information item to bring the Council up to date on the status of the City's permit to treat and discharge treated wastewater and related issues. At a subsequent meeting we will provide a report on the status of the current construction project.

Background

As the Council may remember from the many discussions on this subject, our current permit expires in March of 2010....In 2007, the Council approved a conceptual plan to bring the existing plant into compliance by that date while continuing efforts to support the Regional Pipeline to Lincoln...as part of the effort to support the Regional Pipeline, the City requested a time extension from the Regional Board and was granted an additional year for the general permit. There was a complication in the extension regarding certain parts of the discharge, aluminum and disinfection by products, that are under a separate Cease and Desist Order and The Regional Board was not able to extend the time limit resulting in an exposure to Mandatory Minimum Penalties until the Permit is renewed or the plant upgrade is complete. This was discussed at the time and the amount of the possible fines is \$12,000 per month for about six months. It was hoped that we would find a way around this and if not, consider it the cost of doing business to support the Regional Pipeline.

Current permits issued by the Regional Board have less stringent requirements for the items in question and if applied to our plant we would be in compliance. With the support of the Regional Board staff at the time, we prepared an application for an interim permit that if approved, would have gotten us out of the possible fine situation, This got all the way to the Regional Board Agenda and was pulled off at the last minute because of a complaint from resident in the area. We also prepared and submitted a new Report of Waste Discharge several months ago that could also get us out of the potential fines if the Regional Board acted on it at the designated renewal time- next Month...however we are advised that due to backlog, we are not likely to get on the Board's Agenda until Fall. In addition to all this, we have new staff people involved in permits and enforcement that does not have the history of how we got to this point.

Recommendation

It is our intent to continue to work with the Regional Board on this dilemma to get us out of the exposure to fines of any amount and if we are not able to do this at the staff level it is recommended that we appeal the Regional Board

Fiscal Impact

It estimated that fines could be as much as \$72,000 over a 6 month period depending on when the Ultra Violet disinfection system goes on line.